

APPEAL NO. 010251

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 9, 2001. With regard to the issue before him, the hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____, to his cervical, thoracic, and lumbar areas, and to the index fingers on both hands, in addition to the compensable injury to his left leg, left knee and left foot. The claimant appeals that decision challenging the sufficiency of the evidence. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The claimant sustained a compensable injury to his left leg, left knee, and left foot on _____, when he was in a motor vehicle accident (MVA) while riding as a passenger in a work truck. The severity of the MVA is disputed. On _____, the claimant gave a statement and testified that he "hurt his [left] foot only" in the MVA. Later, the claimant alleged the other injuries at issue here.

The issue presented the hearing officer with questions of fact for him to resolve. The hearing officer determined that the claimant's compensable injury does not extend to or include his neck, back, and both index fingers. The hearing officer commented that the claimant was "neither credible nor persuasive" and that favorable medical evidence would be "given little weight."

The opinions of the doctors that the claimant's other injuries were causally related to the MVA were diminished by the fact that they were premised upon a misunderstanding that the claimant had immediate symptoms, which were not borne out in the medical records or the claimant's testimony. In addition to giving a statement that he hurt only his foot, the claimant acknowledged that his hand pain did not manifest until a month after the MVA. The hearing officer also states that the alleged injuries are not compatible with the mechanism of injury. The hearing officer, as the fact finder, was free to consider each of the factors he identified in resolving the issue of whether the claimant's compensable injury extended to his cervical, thoracic, and lumbar areas as well as to the index fingers of both hands.

Review of the record does not reveal that the hearing officer's determination that the compensable injury does not extend to or include the other injuries is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse that determination on appeal. Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). The fact that another fact finder could have drawn different inferences from the record, which would have supported a different result, likewise does not provide a basis for us to disturb the

hearing officer's decision. Salazar v. Hill, 551 S.W.2d 518 (Tex. Civ. App.-Corpus Christi 1977, writ ref'd n.r.e.).

The decision and order of the hearing officer are affirmed.

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Robert E. Lang
Appeals Panel
Manager/Judge